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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,313	12/18/2001	Kenneth A. Ullrich	ULR 302A	8052
23581	7590	05/10/2006	EXAMINER	
KOLISCH HARTWELL, P.C. 200 PACIFIC BUILDING 520 SW YAMHILL STREET PORTLAND, OR 97204			MEI, XU	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,313

Applicant(s)

ULLRICH, KENNETH A.

Examiner

Xu Mei

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

1. This communication is responsive to the applicant's amendment dated 03/02/2006.

IMPORTANT NOTICE

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to **Group Art Unit 2615**.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Petersen (US-5,282,251).

Regarding claim 1, Petersen teaches an assistive-listening system (Fig. 1) for use with sound-producing equipment (a TV or

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a record or cassette player or other device; see col. 1, lines 7-8 and col. 2, lines 20-22. The TV is used as an explanation example hereinafter), the sound-producing equipment including a signal source (the TV have an audio signal source) and first (speaker system of the TV or the TV speaker(s)) and second sound sources (speakers 5 or 6 of Fig. 1) operatively associated with the signal source and configured to produce sound corresponding to signals received from the signal source (TV received audio signal), the assistive-listening system comprising: a volume control operatively associated with the signal source (volume control for the TV) and configured to proportionally change the volume of both the first and second sound sources (the volume of the TV controlling both the TV speaker(s) and speaker 5 or 6 when speaker 5 or 6 with audio wire is plugged into the sound reproducing device or TV); and a support structure configured to support and position the second sound source (up rights 2 or 18 for supporting and positioning the second sound source, i.e., speaker 5 or 6) so that a hearing-impaired listener may listen effectively to sound controlled by the volume control without disturbing normal-hearing listeners. And the sound from the second sound source can directed vertically as claimed since speakers 5 and 6 are moveably attached to bracket 17 and 19, respectively. If a user is decided to generate sound output at

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a particular desired direction, he/she would have to adjust and fixate the movably mounted speakers 5 and 6 at that particular desired direction, vertical or whatever angle for the speaker output direction as desired.

Regarding claim 2, Petersen teaches the support structure (up rights 2 or 18) of the assistive-listening system positions the second sound source such that it's closer to the hearing-impaired listener than the first sound source (impaired-hearing listener sits in his/her chair with the assistive-listening system with the second sound source, i.e., speakers 5 or 6 that is closer to he/she than the first sound source, i.e., the TV speaker, see Fig. 1).

Regarding claim 5, Petersen teaches the assistive-listening system including a second volume control configured to change the volume of the second sound source without affecting the volume of the first sound source (see col. 3, lines 17-30).

Regarding claim 6, Petersen teaches a method of assistive-listening (Fig. 1) for use with sound-producing equipment (a TV or a record or cassette player or other device; see col. 1, lines 7-8 and col. 2, lines 20-22. The TV is used as an explanation example hereinafter) for listeners, the sound-producing equipment including a signal source (the TV have an audio signal source) and first (speaker system of the TV or the

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TV speaker(s)) and second sound sources (speakers 5 or 6 of Fig. 1) operatively associated with the signal source and configured to produce sound corresponding to signals received from the signal source (TV received audio signal), the method comprising: providing the first sound source for normal-hearing listeners (the TV speaker(s) is used for normal-hearing listeners); providing the second sound source (speaker 5 or 6) for a hearing impaired listener, where the second sound source is positioned closer to the hearing-impaired listener than the first sound source (impaired-hearing listener sits in his/her chair with the assistive-listening system where the second sound source, i.e., speakers 5 or 6 is closer to he/she than the first sound source, i.e., the TV speaker); and the sound from the second sound source can directed vertically as claimed since speakers 5 and 6 are moveably attached to bracket 17 and 19, respectively (if a user is decided to generate sound output at a particular desired direction, he/she would have to adjust and fixate the movably mounted speakers 5 and 6 at that particular desired direction) vertical or whatever angle for the speaker output direction as desired); providing a volume control operatively associated with the signal source and configured to proportionally change the volume of both the first and second sound sources (a volume control operatively associated with the signal source, i.e.,

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volume control for the TV and the volume control is configured to proportionally change the volume of both the first and second sound sources, i.e., TV speaker(s) and speaker 5 or 6, when the second sound source with audio wire is plugged into the sound reproducing device); and where the second sound source permits the hearing-impaired listener to listen effectively to sound controlled by the volume control without disturbing normal-hearing listeners (see col. 3, lines 17-30).

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen.

Regarding claims 3-4, Petersen teaches an assistive-listening system is discussed above. Petersen did not specially teach the assistive-listening system with the support structure

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positions the second sound source (speakers 5 or 6) generally above (as per claim 3) or within six inches (as per claim 4) of the hearing-impaired listener's head without touching, such that sound is directed generally downward onto the hearing-impaired listener.


However, Petersen teaches the assistive-listening system with the support structure positions the second sound source (speaker 5 or 6) is moveably attached to its bracket and the hearing-impaired listener is able to adjust the position the second sound source, i.e., speaker 5 or 6, to produce the desired direction of the audio signal (see col. 3, lines 3-8 and lines 17-20). It would have been obvious for one of ordinary skill in the art to adjust the second sound source (speaker 5 or 6) of Petersen to a desired or optimal position which is generally above (as per claim 3) or within six inches (as per claim 4) of the hearing-impaired listener's head according to the personal desired of the hearing-impaired listener, in order to produce the desired direction of the audio signal to the hearing-impaired listener. The sound is inherently directing downward onto the hearing-impaired listener (i.e., his/her ear(s) when the speaker is positioned above the listener's head.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 571-272-7523. The examiner can normally be reached on Monday-Friday (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Xu Mei
Primary Examiner
Art Unit 2615
05/01/2006